

REMARKS

Examiner has rejected Claims 1-4, 6, 9, 10 and 13-15 under 35 U.S.C. § 102(b) as being anticipated by *Chen* (5,577,644). Specifically, Examiner has stated that *Chen* ('644) discloses "at least one arcuate hook member 60 having first and second ends, and at least one generally spherical ball shaped member (20)..." In response thereto, Applicant respectfully traverses Examiner's rejection.

Applicant respectfully asserts that *Chen* ('644) does not utilize, anticipate, teach or render obvious a clothing hanger wherein the article of clothing is supported by a spherical ball shaped member. The "ball shaped member (20)" as referenced by Examiner, is self-described as "a toy doll" that only functions as a decorative covering for the internal hanger assembly that connects the apparatus' hanging hook to the garment hanger or hook. Thus, the "toy doll 20" of *Chen* ('644) is unlike Applicant's generally spherical ball shaped member, and is instead simply an aesthetic covering for a connector section positioned between two opposing hanging ends, one for hanging up the device itself, and another for receiving an article of clothing thereon. There is no provision or description of any possibility of utilizing the hollow toy doll as a supportive hanger for a garment.

Further, even if one could remove the garment hanger component from the toy doll and attempt to adapt it for use as described by Applicant, the hollow shell design of the toy doll would likely compromise support strength and the support hanger design and attachment assembly would prohibit an article of clothing from being hung over the top of the toy. Applicant's invention is distinguished because Applicant's ball shaped member is not a connector, Applicant's connector is the actual garment hanger component for receiving the garment thereon. Applicant's ball shaped member is the means by which the garment is retained to the hanger assembly.

As described in Applicant's abstract, Applicant's ball is "sufficient in diameter and texture such that clothing draped upon it will remain in place and will not be deformed in shape." This non-deforming draping is not possible with *Chen* ('644).

Applicant has amended Independent Claim 1 to clarify that Applicant's "generally spherical-shaped member receives and supports the garment" held by the garment hanger. Thus, Applicant respectfully asserts that because the identical invention is not shown, and "The identical invention must be shown in as complete detail as is contained in the...claim," *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989), *Chen* ('644) does not anticipate Applicant's device.

Examiner has rejected Claims 18-21 under 35 U.S.C. § 102(b) as

being anticipated by *Bury et al.* (2,946,493). Specifically, Examiner has referenced Figure 2, with "a support frame, at least one extension arm (14) having first and second ends, first end being secured to the support frame, wherein the extension arm had upper and lower extension with a ball (22,24) attached on each, as well as a ball between first and second ends. In response thereto, Applicant respectfully traverses Examiner's rejection.

The *Bury* ('493) device is structurally distinct from that claimed by Applicant and is incapable of functioning in the same manner. Specifically, there is no referenced support frame, and, even if one considers the hanging hook to be a support frame, the "extension arm 14" recited by Examiner as having first and second ends is not secured to a support frame at a first end, as claimed by Applicant, but is centrally secured to a hook with both ends hanging free and completely unsecured. The hanger of *Bury* ('493) does not have at least one two-ended extension arm wherein one end is secured to a support frame and the other end carries a ball. This is unlike Applicant's device in both structure and function.

This embodiment of Applicant's device, referring to FIGS 3A-3C, does include a support frame, does include at least one extension arm having one end secured to the support frame and a second end bearing a ball. This is not the same structure as is described by *Bury* ('493), nor is *Bury* ('493) capable of functioning in the same manner as Applicant's device. Because "a claim is anticipated only if each

and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), because "[t]he elements must be arranged as required by the claim," *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990), and because *Bury* ('493) does not include nor arrange the elements as required in Applicant's claims, Applicant believes that Applicant's Claims are distinguished over *Bury* ('493).

Examiner has rejected Claims 5, 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over *Chen* ('644), Claim 12 under 35 U.S.C. § 103(a) as being anticipated by *Chen* ('644) in view of *Bury* ('493), Claim 11 under 35 U.S.C. § 103(a) as being anticipated by *Chen* ('644) in view of *Chen* ('721), and Claims 16-17 under 35 U.S.C. § 103(a) as being unpatentable over *Chen* ('644) in view of *Lehmann* (4,872,568). In response, Applicant respectfully traverses Examiners rejection, and references Applicant's remarks hereinabove regarding *Chen* ('644).

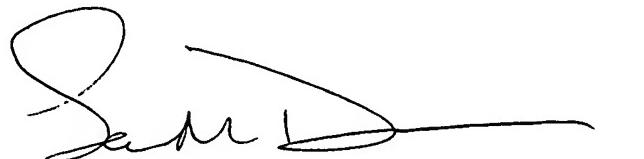
As discussed above, *Chen* ('644) does not teach or suggest a generally spherical-shaped member that is positioned and configured to receive and support a garment. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art," *In re Royka*, 490 F.2d 981 (CCPA 1974); thus, Applicant respectfully asserts that Applicant's claims are not obvious.

Applicant believes that the foregoing establishes that Applicant's claimed invention is novel and non-obvious, thereby placing the rejected claims in condition for allowance.

CONCLUSION

The above amendments are corrections to form and thus, no new matter was added. In light of the above amendments and arguments, Applicant respectfully believes that Claims 1-21 are now allowable. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted, this 13th day of September, 2006.



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